



Governor Kim Reynolds
Lt. Governor Adam Gregg
San Wong, Director

**JUVENILE JUSTICE ADVISORY COUNCIL
IOWA TASK FORCE FOR YOUNG WOMEN**

Mission: Promoting innovative female responsive techniques through education and advocacy

MINUTES OF REGULAR MEETING

Iowa State Capitol
1007 East Grand Avenue, Legislative Dining Room
Des Moines

August 2, 2019

Present: Jennifer Tibbetts, Chair; Kristen Corey; Andrea Dickerson; Jackie Ellenbecker; *Stephanie Hernandez; Bethany Kohoutek; Lori Rinehart

Staff: Steve Michael; Kathy Nesteby; Dave Kuker; Julie Rinker

Others: Rachel Antonuccio; Wayne Ford; *Ruth Frush; Laurie Schipper
*Joined by phone

Introductions/Announcements

- Consensus model information

Lori Rinehart presided. Introductions were made.

Approval of Minutes

- May 3, 2019

The minutes were accepted as presented.

JJAC Update

- **Potential partnering with DMC subcommittee to bring in a speaker**

Kathy Nesteby noted that this idea was something that recently surfaced and wanted members to be apprised. She asked them to consider potential speakers.

- **Reauthorization of Juvenile Justice and Delinquency Prevention Act**
 - **Use of restraints on pregnant girls**

Nesteby reported that the federal Juvenile Justice & Delinquency Prevention Act was reauthorized in late 2018. It is now known as the "Juvenile Justice Reform Act of 2018".

The Act includes several changes with which Iowa must comply or risk losing funding:

1. New language requires planning to restrict the use of restraints with pregnant girls. Nesteby asked members to think how this can be moved forward to be addressed on a statewide basis. The Department of Corrections has implemented a policy regarding the use of restraints with

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pregnant adult women, but no legislation has been enacted making it illegal. Nesteby asked members to review the language in the Act. She will share more information as she receives it.

2. Michael noted that another change relates to juveniles charged as adults. Effective December 21, 2021, juveniles charged as adults may not be housed in adult jails. CJJP is looking at pre-filing legislation and working to provide training to all detention centers across the state.

Andrea Dickerson asked about juveniles currently in adult settings and whether they would be moved back to juvenile detention centers. Rachel Antonuccio responded that she thought a hearing would have to be held.

Michael added that the requirement would increase costs for counties to hold youth in detention versus jails. He noted safety issues with some juvenile offenders being housed with other juveniles who committed lesser offenses and educational requirements for youth in detention compared to adult jails.

Michael provided information on HF766 (HHS Appropriations bill) which passed earlier this year. The bill requires that CJJP convene a work group to study the transfer of funding for Graduated Sanctions, Group Care, Court-Ordered Services, and the Detention Home Fund from the Department of Human Services to State Court Administration or another entity. All of these funds relate to juvenile offenders. A plan with recommendations is due to the Governor and General Assembly by December 15. Implementation would begin July 1, 2021.

The work group held its first meeting on July 19. Three subcommittees have been formed to develop the recommendations. CJJP staff are involved in all areas.

Tibbetts asked if girls were being considered and what the Task Force could do to insure that the system is functioning for girls.

Michael responded that Stephanie Hernandez is seated on the work group and Nesteby is also involved. Additionally, three Chief Juvenile Court Officers are involved in the work group and/or subcommittees. At this time, the focus is on whether it makes sense to shift oversight of the different types of funding to another agency. During the process, consideration will be given to the best possible system and services available statewide.

Michael suggested that the Task Force develop recommendations which could be shared with the work group.

Tibbetts asked for discussion. The following was suggested:

- Quality and accessible services for girls
- Trauma-informed and female responsive
- Funds allocated specifically for female services
- Contracts with providers should include questions regarding how girls are served

DMC Update

- Pre-charge diversion effort

Dave Kuker provided an overview of pre-charge diversion efforts in Iowa. About a year ago, through technical assistance from the federal Office of Juvenile Justice & Delinquency Prevention, Jason Szayni with the Center for Children's Law & Policy met with stakeholders in four pilot sites—Fort Dodge, Iowa

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City, Davenport, and the 1st Judicial District. From those meetings, Szayni developed a Pre-charge Diversion Toolkit specifically for Iowa and a sample agreement for use in expanding pre-charge diversion on a statewide basis. These documents were presented at an event in late April. Members from each pilot site were in attendance.

Kuker noted this effort is to reduce overrepresentation through policy and practice. Kids who are not a risk to public safety should not be taken into custody. There is no formal record or referral to Juvenile Court Services. Research shows that kids of color are committing low-level crimes such as Theft 5th, disorderly conduct, and simple assault. To reduce disparity, diverting youth for these crimes would have the most impact.

Kuker reviewed the Toolkit and the sample agreement. To implement this statewide would alleviate 'justice by geography'. He noted the importance of partnerships in communities with law enforcement, juvenile court, schools, providers, and minority advocates. Other efforts include consideration to data collection outside of the juvenile court system. Discussions will be held with the Attorney General's office regarding the best way to handle this.

Kuker asked for a letter of support from the Task Force. Similar requests will be asked of the Juvenile Justice Advisory Council and its DMC Subcommittee. The letter would be signed by the chairs of the three groups and shared with the Chief Juvenile Court Officers and State Court Administration.

The following highlight discussion:

- The letter of support should reflect concerns about girls/gender
- All Toolkit recommendations and letter should include gender/equitable resources

There was consensus to work with Kuker to draft a letter of support. Kuker added that follow up inquiries regarding the status of policy implementation and changes in practice would be conducted by the aforementioned chairs.

Find Our Sisters

- Guest – Laurie Schipper, Iowa Coalition Against Domestic Violence

Rinehart introduced Laurie Schipper who provided information on the Iowa Coalition Against Domestic Violence. The agency provides training and technical assistance to state agencies and other professionals; hosts a scholarship program for incarcerated women; provides training in financial literacy, safety, and legal representation. Other work includes lobbying, public policy initiatives, housing and economic justice, and community organization for underserved communities.

Schipper reported on the internal transformation of her organization which began with statewide listening sessions. Changes were made to 'center the margins' which included their leadership team, board, and staff positions. Other changes included joining other movements and supporting issues.

Tibbetts thanked Schipper for her presentation.

Rinehart asked for volunteers to be responsible for a speaker at the November meeting. Jackie Ellenbecker volunteered.

Waivers to Adult Court

- Guest – Rachel Antonuccio, Johnson County Public Defender's Office

Rachel Antonuccio is a public defender in Iowa City who represents juveniles charged as adults. She reviewed proposed changes to legislation regarding the ways in which kids are waived to adult court, especially deep end girls. Antonuccio thought that the burden should lie in the juvenile court system, rather than automatic waivers. She noted timelines required for filing motions and concerns that many times youth, their parents, and attorneys are unaware of these deadlines or the deadlines are not met.

She would like to see changes in the justice system—elimination of the automatic waiver to adult court and the extension of ages eligible under the youthful offender statute. She noted concerns related to solitary confinement in adult jails and lack of educational services provided in adult facilities.

Discussion included:

- Concerns regarding brain development. Age limits don't make sense, especially for traumatized youth whose brain may not be fully developed.
- Few kids are eligible for the youthful offender status which currently is youth ages 14-15 and a motion must be filed within 10 days.

There was consensus for the Task Force to continue discussions. Antonuccio offered to send information to Nesteby. CJJP will work with Antonuccio to compile data on the number of youth automatically waived by both race and gender.

Rewrite of “Female Responsive Protocol for Adolescent Offenders” publication

- Advocacy and PR plan

Nesteby advised that the Protocol has been renamed ‘Healing Justice’.

Tibbetts and Nesteby noted that the eastern and central Iowa groups have been combined. Although there is no particular timetable, in general, meetings are held monthly. Each of the 11 components have been assigned to members to review and update.

Due to time constraints, the following was not discussed.

Goals and Objectives

Old Business

New Membership

Adjournment

The meeting adjourned at 12:27 p.m.

Respectfully submitted,

Julie Rinker
Administrative Secretary
Div. of Criminal & Juvenile Justice Planning
Iowa Department of Human Rights